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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,669	09/26/2001	Benoit Patrick Bertrand	05222.00173	2989

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EXAMINER
BELL, MELTIN

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)	
Office Action Summary		09/868,669	BERTRAND ET AL.	
		Examiner	Art Unit	
		Meltin Bell	2121	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) <u>18</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17 and 19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/868,669** filed 09/26/2001 as well as

the Specification and Amendment filed 7/9/04. Claims 1-17 and 19 filed by the

applicant have been entered and examined. Claim 18 has been canceled. An action

on the merits of claims 1-17 and 19 appears below.

Priority

Acknowledgment is made of applicant's claim for priority based on application

09/218,726 filed in the United States on **12/22/98**.

Claim Rejections - 35 USC § 103

Applicant's arguments have been fully considered but they are not persuasive.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the Office to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

       Claim 1-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Purcell, Jr.* USPN 5,727,161 (March 10, 1998) in view of *Cook et al* W.I.P.O.

International Publication Number WO 97/44766 A1 (November 27, 1997).

Regarding claim 1:

Purcell, Jr. teaches,

- (a) presenting information indicative of a goal in a spreadsheet format (Figs. 7, 15, 19,

22, 34, 46)

- (b) analyzing the spreadsheet format and translating the information into a

presentation model (Abstract, "Graphic analyses are... to what-if possibilities")

- (c) integrating information that motivates accomplishment of the goal into the

presentation model (column 3, lines 12-22, "The software further... the input data")

- (d) managing information flow utilizing a table of components (column 11, lines 55-65,

"Each spreadsheet page... numbers of cells")

However, *Purcell, Jr.* doesn't explicitly teach evaluating progress toward the goal and

providing feedback that further motivates accomplishment of the goal while *Cook et al*

teaches,

- (e) evaluating progress toward the goal and providing feedback that further motivates

accomplishment of the goal (page 10, lines 24-31, "A further important...student's

pedagogic characteristics")

- receiving information indicative of a goal, the goal being associated with a student in a

specific task (Fig. 4)

- integrating information that motivates accomplishment of the goal for use in a

presentation (page 8, lines 1-15, "it accepts data...appropriate candidate behaviors")

Motivation – The portions of the claimed method would have been a highly desirable

feature in this art for

- Individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This

   invention relates...computer assisted instruction")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made, to modify *Purcell, Jr.* as taught by *Cook et al* for the purpose of

individualizing student instruction.

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 2's further

limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to measure

progress toward the goal based on the presentation model (page 20, lines 15-23,

"Teachers and administrators...even one student")

Regarding claim 3:,

The rejection of claim 3 is similar to that for claim 2 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 3's further

limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to interrupt and

interview a student to obtain information to measure progress toward the goal and

determine appropriate feedback based on the presentation model (page 20, lines 4-12,

"the student can...or remediation materials").

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 4's further

limitations are taught in *Cook et al*:

- instantiating a component from the table of components to analyze progress and

determine appropriate feedback based on the presentation model (page 124, lines 2-12,

"These named display...to generate displays")

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 5's further

limitations are taught in *Cook et al*:

- the step of instantiating a component from the table of components to evaluate options

and present appropriate feedback to assist a student to achieve the goal based on the

presentation model (page 63, lines 1-16, "the ABI system...of task scheduling"; page

124, lines 2-12, "These named display...to generate displays")

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 6's further

limitations are taught in *Cook et al*:

- instantiating a component from the table of components to simulate a business

application based on the presentation model (page 12, lines 3-10, "An object

of...computer-assisted instruction systems"; page 47, lines 22-34, "The ABI

system...performance and utilization"; page 109, Table 3; page 124, lines 2-12, "These

named display...to generate displays")

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 7's further

limitations are taught in *Cook et al*:

- instantiating a component from the table of components to interact with a quantitative

analysis model to perform what-if analysis based on the presentation model (page 124,

lines 2-12, "These named display...to generate displays")

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 8's further

limitations are taught in *Cook et al*:

- instantiating a component from the table of components to interact with a student

utilizing rule-based logic based on the presentation model (page 46, lines 8-12, "during

access to...caught and rejected"; page 124, lines 2-12, "These named display...to

generate displays")

Therefore, claim 8 is rejected under the same rationale as claim 1.

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated

limitations of the claim are set forth in the references is incorporated.   Claim 9's further

limitations are taught in *Cook et al*:

- instantiating a component from the table of components to present a time based

simulation based on the presentation model (page 24, lines 7-25, "The corresponding

event...the time elapsed"; page 109, Table 3; page 124, lines 2-12, "These named

display...to generate displays")

Regarding claim 10:

Purcell, Jr. teaches,

- (a) a processor (Fig. 1, item 104)

- (b) a memory that stores information under the control of the processor (Fig. 1, item

116)

- (c) logic that presents information indicative of a goal in a spreadsheet format (Figs. 7,

15, 19, 22, 34, 46)

- (d) logic that analyzes the spreadsheet format and translates the information into a

presentation model (Abstract, "Graphic analyses are...to what-if possibilities")

- (e) logic that integrates information that motivates accomplishment of the goal into the presentation model (column 24, lines 30-58, "One or more...load module integrity")

- (f) logic that manages information flow utilizing a table of components (column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

However, *Purcell, Jr.* doesn't explicitly teach evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal while *Cook et al* teaches,

- (a) a processor (page 29, lines 20-22, "A NC is...or the Internet")

- (b) a memory that stores information under the control of the processor (page 29, lines 20-22, "A NC is...or the Internet")

- (g) logic that evaluates progress toward the goal and provides feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important...student's pedagogic characteristics")

- receiving information indicative of a goal, the goal being associated with a student in a specific task (Fig. 4)

- integrating information that motivates accomplishment of the goal for use in a presentation (page 8, lines 1-15, "it accepts data...appropriate candidate behaviors")

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for

- Individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This invention relates...computer assisted instruction")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Purcell, Jr.* as taught by *Cook et al* for the purpose of individualizing student instruction.

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references is incorporated. Claim 11's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to measure progress toward the goal based on the presentation model (page 20, lines 15-23, "Teachers and administrators...even one student")

Regarding claim 12:

The rejection of claim 12 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references is incorporated. Claim 12's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to interrupt and interview a student to obtain information to measure progress toward the goal and determine appropriate feedback based on the presentation model (page 20, lines 4-12, "the student can...or remediation materials").

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references is incorporated. Claim 13's further limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to analyze progress

and determine appropriate feedback based on the presentation model (page 124, lines

2-12, "These named display... to generate displays")

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 14's further

limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to evaluate options

and present appropriate feedback to assist a student to achieve the goal based on the

presentation model (page 63, lines 1-16, "the ABI system... of task scheduling"; page

124, lines 2-12, "These named display... to generate displays")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 15's further

limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to simulate a

business application based on the presentation model (page 12, lines 3-10, "An object

of... computer-assisted instruction systems"; page 47, lines 22-34, "The ABI

system... performance and utilization"; page 109, Table 3; page 124, lines 2-12, "These

named display... to generate displays")

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 10 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 16's further

limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to interact with a

quantitative analysis model to perform what-if analysis based on the presentation model

(page 124, lines 2-12, "These named display... to generate displays")

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 17's further

limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to present a time

based simulation based on the presentation model (page 24, lines 7-25, "The

corresponding event... the time elapsed"; page 109, Table 3; page 124, lines 2-12,

"These named display... to generate displays")

Regarding claim 19:

The rejection of claim 19 is similar to that for claim 10 as recited above since the stated

limitations of the claim are set forth in the references is incorporated. Claim 19's further

limitations are taught in *Cook et al*:

- logic that instantiates a component from the table of components to interact with a

student utilizing rule-based logic based on the presentation model (page 46, lines 8-12,

"during access to... caught and rejected"; page 124, lines 2-12, "These named

display...to generate displays")

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Drawings, Specification

Applicant(s) argue(s) that Fig. 2 is not modified because of the specification

amendment at page 3, line 40 deleting reference to item 234 (Amendment REMARKS

page 7, paragraphs 4-6) and that the amendments to page 3, line 32 to page 4, line 12

are consistent with what is shown in Fig. 2, items 230, 250, 270, 240, 242 and 238. The

amendments to the specification have been entered and examined. The objections to

the specification and drawings are withdrawn.

Claim Objections

Applicant(s) argue(s) that canceling claim 18 overcomes the duplicate of claim 17

objection. Applicant's arguments have been fully considered and are persuasive. The

objections to claims 17 and 18 are withdrawn.

Claim Rejections - 35 USC § 101

Applicant(s) argue(s) that amended claims 1-9 are directed to statutory material.

Applicant's arguments have been fully considered and are persuasive. The 35 USC

101 rejections of claims 1-9 are withdrawn.

Claim Rejections - 35 USC § 103

Applicant(s) argue(s) that Purcell USPN 5,727,161 does not teach presenting information indicative of a goal in a spreadsheet format, the goal being associated with a training objective of a student, integrating information that motivates accomplishment of the goal into the presentation model and that Cook WO 97/44766 does not make up for the deficiencies of Purcell (Amendment REMARKS page 9, paragraph 1).

The examiner agrees that Purcell does disclose the goal being associated with a training objective of a student. However, Purcell Figs. 7, 15, 19, 22, 34, 46 is cited for meeting the presenting information indicative of a goal in a spreadsheet format limitation while Cook meets the goal being associated with a training objective of a student limitation in Fig. 4 and the integrating information that motivates accomplishment of the goal into the presentation model limitation on page 8, lines 1-15. Further, individualizing instruction in the Abstract of Cook and benefiting users of all skill levels through conciseness in the presentation in column 6, lines 25-33 of Purcell provide the motivations for combining the references.

As set forth above with regards to Purcell and Cook, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, Purcell's Method and apparatus for graphic analysis of variation of economic plans and Cook's AGENT BASED INSTRUCTION SYSTEM AND METHOD.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Fung et al*; US 20040181441 A1; Model-based and data-driven analytic support for strategy development

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.
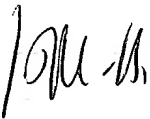
If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB

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